

BY TELEGRAPH.

AMERICAN.

WASHINGTON, 15.—The Supreme Court in case No. 3, Commonwealth of Virginia vs. Petitioner. This case comes before the United States Supreme Court upon application from the Governor of Virginia, for a writ of mandamus to compel Judge Rives, of the United States Circuit Court for the western district of that State, to return to the State authorities two criminals whom he has taken out of their custody for retrial in his own court. The facts of the case are well known. The subject matter of the controversy raised is an abstract one of jurisdiction. The complaint is that Judge Rives has invaded the sovereign rights of the State. The question presented is, which has jurisdiction to try these persons, the State or United States? Attorney General Field and Judge Robertson, on behalf of the State, argue these are cases in which the commonwealth of Virginia is a party in its character as a sovereign State, and that an inferior Federal court, created by act of Congress can never, under any circumstances, be clothed with power to deal with a State or to decide any question of controversy with her respecting or arising out of her sovereignty. If she is amenable to any judicial tribunal under the Constitution, that tribunal is the United States Supreme Court. They argue furthermore, that even the latter has no control over the State or its courts, except when a Federal question is brought before it by a writ of error from the State court of last resort. The State courts and not United States courts are exclusive tribunals for the trial of offences committed within the State and against its laws. Counsel for the petitioner further maintain that section 641, Revised Statutes, upon which Judge Rives based his action does not confer the jurisdiction claimed. The right to have a jury of a particular race or color in whole or in part is not one of the rights which the statutes in question secured. It merely extended to the colored race the rights already existing and enjoyed by white citizens, and provided that these rights should not be denied to colored citizens. Finally counsel for the petitioner declare that the State of Virginia has not denied to any race or color the equal protection of the laws; that the action of Judge Rives should be declared null and void, and that the writ of mandamus prayed is the only appropriate and complete remedy, as there seems to be no right of appeal or writ of error to this court.

Attorney-General Devens and W. Willoughby, opposing the petition for a mandamus, urge, first, that the supreme court has no jurisdiction in the present case; that the commonwealth of Virginia refused to make itself a party to the proceedings in the circuit court, that this petition cannot therefore be considered as anything in the nature of an appellate proceeding therefrom, and that a State cannot institute an original suit in the supreme court in a controversy like this between itself and its own citizens. They argue, second, in defense of Judge Rives' action under the act of March 3d, 1877, that every person has the right to trial by jury constituted without discrimination against his own race or color, and that in the present case that right has been denied. White men may have a jury of their own race and color, negroes cannot. White men cannot be subjected to any prejudice against them, on account of their race or color, negroes may be. It was just this discrimination which the Fourteenth Amendment was designated to prevent. They argue that although the duty of extending to all persons within the State the equal protection of its laws was originally assumed by States, and still remains there, yet if any of the States deny, or permit a denial of this right of equality, and if such denial be based upon the ground of color or race, then the power of the United States may enforce this guaranty of equality to the extent that it is denied. The fact that a State is one of the parties in such case is mentioned. All cases involving a Federal question may be brought under the supervision of Federal judicial power, even though the State be a party. This point is argued by counsel in opposition to the petitioner at considerable length and with full cita-

tion of authorities. They disclaim the right of general Federal supervision over the criminal law of a State, but maintain its constitutionality when a Federal question is involved.

NEW YORK, 15.—A dispatch from London says: Adolph Rosenberg, editor and publisher of the *Town Talk*, was arrested on charge of libel preferred against him by Mrs. Langtry and also by Mrs. Cornwallis. He appeared in Guild Hall Police Court, looking very dejected, having been unable to obtain bondsmen for £2,000. The attendance was very large. The preliminaries having been disposed of, the prisoner made an abject apology, regretting that he should indirectly have been the cause of annoyance to the estimable ladies. He pleaded ignorance of writing in the question about Mrs. Langtry's divorce, and gave the name of the journalist who had written the paragraphs. He went on to state that he employed a detective to search the court records, and it was undoubtedly on the detective's report that allusion to the petition had been printed. He denied there was any malice, the supposed facts being given as bona fide news. The attorney for plaintiff alluded in sarcastic terms to defendant, and protested against a reduction of Rosenberg's bail. He rehearsed the prisoner's cowardly, cruel and wanton attacks on his client, and concluded by saying he thought the atmosphere of Newgate would be the most salubrious for the prisoner, and Surgeon Gibson of that place would give every requisite. The remarks produced loud laughter in the court. The prisoner was then committed for trial, the bail remaining the same as before.

The *Herald* with its usual erudition on Indian affairs, says: "Before the settlement of the Mormons in Utah the Utes were a tribe of degraded habits and inferior intelligence. Its elevation is due mainly to association with the Mormons, who early baptized some of the prominent chiefs into the church." It also naively remarks: "If the Indian Bureau would only prevent the Indians from thoroughly arming themselves, they would not fight at all."

The *World's* Washington special, evidently under the inspiration of the Interior Department, endeavors to fix the responsibility of the recent massacre on the War Department. It quotes Pope's correspondence, wherein the latter appears at his usual disadvantage. The Interior Department was notified by Meeker of the Ute disorders and his inability to get military assistance as long ago as July.

Exports for the week ending yesterday were among the heaviest, if not the heaviest, in the history of the port, amounting to \$9,736,566 against \$1,420,882 for the week previous, and \$6,858,904 for the corresponding period last year. Breadstuffs, provisions and cotton, as usual, constitute the bulk of the shipments.

FALL RIVER, 15.—The majority of the old spinners have now returned to work, but several hundreds have not yet been able to do so. At a meeting of the spinners last evening, it was voted by those who had secured work to tax themselves \$1 per week for the support of their non-working brethren in addition to a weekly tax of 25 cents for the support of the Union. The call for the meeting stated that many members of the Union were suffering for food.

ST. PAUL, 15.—Nolan and Johnson, two of Doc. Middleton's gang of Nebraska robbers, were traced to Ortonville, Minn., near the Dakota line. The sheriff's posse pursued them, overtaking them yesterday near Appleton. They fortified themselves in a shanty and a regular siege followed. Firing was kept up for several hours. The robbers finally escaped and pursuit continues.

SAN FRANCISCO, 15.—A Portland dispatch says: Gen. Grant on being informed of the sweeping republican triumph in Ohio, expressed much gratification. He said, with much emphasis, that being representatives of false and dangerous financial doctrines, the democrats deserve defeat. For many years the country had been struggling to reach a sound financial basis and it was inexcusable in any man to take a position which would again debase the currency and impair public credit.

Near Mendocino, this morning, the sheriff's posse in search of cattle thieves was fired on from ambush by the outlaws, killing Thomas

Dollard, and fatally wounding volunteer Wright and slightly wounding others. Reinforcements have been sent out.

SUTRO, Nev., 15.—Yesterday, about two o'clock, connection, was made by the north lateral branch of the Sutro tunnel, with the drift from the main shaft. The current of air is a strong downcast and is of great advantage, for it insures an abundant supply of pure air, where by the north branch, which is being advanced at the rate of 10 feet per day, and can be driven with still greater speed. The air goes down the mine shaft through the north branch in great volumes and finds its exit through the Savage and adjacent shafts, greatly benefitting all parties. The prospecting drifts running northerly and southerly on the foot and hanging walls of the large ledge intersected by the main tunnel at 11,700 feet from the entrance are most encouraging, showing assays of from \$8 to \$40 per ton when cross-cutting is commenced. It is confidently expected from the fair milling rock already met with that a bonanza may be encountered.

NEW YORK, 16.—Bonds to the value of \$28,000 were stolen from the safe in the office of Merritt Trimble, the well known iron merchant in the coal and iron exchange, by three strangers who came apparently on business. The robbery was not discovered till seven hours afterwards, when it was too late to ascertain whether they had negotiated on the street or not.

WASHINGTON, 16.—The following telegram was received by the Indian Bureau to-day:

Los Pinos, Colorado, Oct. 11.

To the Commandant of Indian Affairs, Washington:

All quiet. No danger of trouble from the Indians either near or remote, unless precipitated by the evil counsels and conduct of the whites who seem determined to make trouble. The newspapers and the very atmosphere of Colorado are full of lying rumors. The secret of all this outcry and these false rumors can be found in the popular text, "Utes must go." The White River women, children, money and papers are safe with Mrs. Meeker. All will be sent here as soon as practicable. Some employees are believed to be alive. The soldiers have been reinforced. Provisions and water, a plenty. These items are obtained here from runners from White River.

(Signed) STANLEY, Agent.
ST. LOUIS, 16.—A dispatch from San Antonio, Texas, says: Gen. Ord, commanding this department received the following dispatch to-day:

Fort Concho, Oct. 15.—Col. Hatch, commanding the District of New Mexico, informs me that large bodies of well armed Apaches are going south toward Texas. They are probably renegades from the Indian Territory and Mexico. I have arranged to intercept them and to reinforce and concentrate the forces where necessary.

(Signed) GEN. GRIERSON.

Rawlins, Wyo., 16.—A courier just in from Merritt's command reports that the troops are at the White River Agency; that they have been scouting for 50 miles about them, and have been unable to find a single Indian. It is evident that the Indians have gone south and split into small bands, going into the various agencies. The troops will have an all winter campaign to ferret out those of the savage tribe who brought on the trouble.

Galveston, 16.—The *News'* San Antonio special reports parties of well armed Apaches going South from Melcolero Agency. All posts are notified to be in readiness to concentrate troops, in case of necessity.

SAN FRANCISCO, 16.—A dispatch from Tucson, Arizona, says: A special to the *Daily Star* from Silver City, New Mexico, says: The Indians have been committing terrible depredations in the Rio Grande Valley and southwest of Fort Cammings for several days past. The people of Colorado have been besieged, and have been fighting since Saturday, and made an appeal for aid on Sunday. A volunteer company of 30 men under Captain John C. Crouch, went from Mesilla and Oranges to their aid. They met 100 Indians near Colorado, 18 miles from Slocum's Ranch, on the side of the road. After a severe fight the volunteers were compelled to fall back. They had a running fight into Slocum's

Ranch. The killed in this fight were W. T. Jones, County clerk of Donohoe county, and four Mexicans.

On receipt of the news at Mesilla, two more companies of 80 men were raised by Col. Rynerson, composed of the best men in Mesilla Valley. The companies were to join Crouch to-day at Slocum's and go to Colorado.

Two trains were captured yesterday west of Slocum's. In one of them 11 men, one woman and one child were killed. In the other all hands escaped. Both trains were scattered and some of the oxen were killed and others left standing in their yokes. Corpses lie all along the road.

The stage from the east arrived this morning two hours late. The number of people known to have been killed within the past 4 or 5 days, altogether aggregates about forty.

The Indian trail, leaving the stage road yesterday, leads toward the Black Range and vicinity of the Hillsboro mining camp. Maj. Morrow, of the Ninth Cavalry, with a strong scouting party is thought to be in the vicinity of Colorado.

This is the most persistent fighting the Indians have ever been known to do in this section. They are in large bands and seem determined to stay in the country to fight and make a general warfare.

PITTSBURG, 16.—The cremation of the remains of the late Dr. Le Moyne was successfully accomplished at Little Washington to-day. The whole proceeding was conducted with strict privacy. At 9 o'clock this morning, the friends and relatives of the deceased assembled at his late residence, where a number of selections from the Scriptures were read and prayer offered by Dr. Hays, President of the college. Dr. Le Moyne in late years did not affiliate with any church and the services to-day were not sectarian. At the conclusion of prayer the body was removed to the hearse and immediately taken to the cemetery, followed by carriages containing relatives and friends. Arriving at the destination, the body was placed in a catafalque and all persons, except relatives and those in charge of the furnace, remaining outside the building.

At 10:30 the body was pushed into the glowing furnace and the doors closed. Owing to the fact that the firemen were inexperienced, the heat was considerably below what it should have been and the cremation was not complete till after 4 o'clock this afternoon, at which time the retort was sealed and will remain closed till Saturday. If cool enough then, it will be opened and the ashes placed in an urn provided for the purpose by the family.

There was no excitement in the village over the event, and not more than a hundred people were around the building when the body was placed in the furnace.

MAYVILLE, N. Y., 16.—The great boat race has come to a most inglorious end. Late this morning the air was filled with rumors that Courtney's boats were stove; another that they had been cut last night. A visit to Courtney's quarters disclosed the facts as reported by Courtney's nephew and Burt Brown, who had been with him as attendants and taking care of the boats, that last evening about six they left the boat house, locking it on the shore side with a padlock and on the river simply hooking it and driving a nail over the hook. Returning about eight from the village, they found that the lake door had been forced, the nail broken and the boats both cut with a saw. The one made for the race was cut two-thirds through 12 feet 10 inches from the bow. The working boat was cut entirely through six feet four inches from the stern. The two men kept the matter secret from Courtney until this morning. What will be done as to postponing the race or disposing of the prize is unknown as yet. The referees, officers and backers of the two men are now in consultation.

Hanlon is reported in fine condition, although not so good as at Lachine. Courtney claims that Johnson's boat is too light and refused one of Hanlon's as being unused to him and placing him at a marked disadvantage.

A meeting of the representatives of the press was called for 3 o'clock for the purpose of ascertaining what fraud exists at the bottom of the fizzle. Soule was present and said the \$8,000 would not be paid Han-

lon unless Courtney rowed. The agreement shows there must be a race before the prize could be paid. Soule says this prize was offered expressly for the people to see one honest race between the two men.

The affair has been branded by all newspaper men as a gigantic fraud. Soule, the giver of the prize, has offered a reward of \$1,000 for the conviction of the parties who cut Courtney's boat. A committee has been appointed of representatives of the press to call on Courtney to ascertain, if possible, the object for which his shell was cut.

NEW YORK, 16.—A special telegram from Mayville says: The great contest of the oars between Hanlon and Courtney, that great aquatic event which for some months past has been the one theme of conversation in sporting circles, is now a thing of the past. Hanlon rowed over the course at five o'clock at the rate of thirty strokes to the minute. The time was not fast. Trouble is anticipated over the prize. Courtney is strongly condemned, and should he make his appearance he would be roughly handled. About 8,000 people will have to remain here over night. Courtney, owing to both his boats having been destroyed by malicious or interested parties during the night, was out of the race, there being no boat available that would suit him. So Hanlon rowed over the course and claims the \$6,000 purse.

NEW YORK, 17.—A dispatch from Milledgeville, Ga., says: A band of men numbering probably 10 or 12, after committing murder and arson openly defy arrest, and continue their work of depredation. The reign of the gang is so absolute over the people that they will not dare to tell any human being of their knowledge of the desperadoes. They have plenty of arms, money and friends. If they can ever be run into the swamps, the people of the surrounding counties will hunt them down as they would wild beasts.

The *World* says: Grant, who has seen something of the times when the country was really in danger, evidently has too much common sense to commit himself like the stalwart organists to the ridiculous proposition that Ohio has been carried by a petty majority of some 15,000 votes on the issue involving the possible renewal of a civil war. Grant's idea that Ewing ought to have been defeated because of his false financial doctrines, the *World* thinks, is the correct one, and involves a short thrust both at Sherman and at Foster, whose refusal to agree to the cancellation of the redeemed greenbacks is a position which may yet "debase the currency and impair the public credit."

SALEM, Ogn., 16.—General Grant and party and a number of invited guests left Portland at 9 o'clock this morning for the capital. The train reached here about 11:30 and was met at the depot by a large crowd of citizens. The members of the common council acted as a committee of reception and were waiting at the depot. Mayor G. W. Gray met Gen. Grant at the platform and delivered a brief address of welcome to which a very short response was made. The entire party then entered the carriages and proceeded to Chemeketa Hotel. The line of march being down Court Street. All the school children in the city had assembled opposite Court and as the procession filed passed Gen. Grant was saluted by the crowd with repeated and hearty cheers. The procession marched on to the hotel, and reaching which, the party alighted from the carriages and were conducted into the parlor. An address of welcome was delivered by S. C. Adams, to which Gen. Grant responded in brief, fitting terms. The doors of the parlor of the hotel were thrown open and a general public reception followed. The reception lasted about an hour, during which time over 1,000 persons passed through the room and were presented to General Grant and the other members of the party. At 2 o'clock the reception ended and the guests were escorted to the dining room where a collation was spread. About 150 persons sat down to lunch. Among the party were Gov. Thayer, R. P. Earhart, Secretary of State, and other State officials. Lunch being over the party took carriages and preceded by the band's music, marched to the depot and took a special train for Portland at 4 o'clock.